



FLOOR AMENDMENT NO. _____

BY: Schofield

1 Amend C.S.H.B 3 (committee printing) as follows:

2 (1) On page 8, line 27 insert the following:

3 Sec. 418A.0071 COMPENSATION FOR GOVERNMENTAL ACTION. (a)

4 Except as provided by Subsection (b), a business owner is entitled
5 to compensation from a political subdivision for losses caused to
6 the owner's business by an order issued by the political
7 subdivision that:

8 (1) closes a business permanently or temporarily; or

9 (2) effectively closes a business by:

10 (A) limiting the business's operations to the
11 extent that the business owner cannot effectively maintain the
12 business; or

13 (B) ordering customers not to patronize the
14 business.

15 (b) A business owner is not entitled to compensation under
16 Subsection (a) if the political subdivision can demonstrate that
17 the primary reason for the governmental action was:

18 (1) a judicial finding that the business:

19 (A) was a nuisance under Chapter 125, Civil
20 Practice and Remedies Code, Chapter 341 or 343, Health and Safety
21 Code, or common law; or

22 (B) violated other law; or

23 (2) a finding that the business or owner failed to:

24 (A) acquire or maintain a license required by the
25 governmental entity for the business;

26 (B) file or maintain records required by the
27 secretary of state; or

__B. No. __

1 (C) pay taxes.

2 Sec. 418A.0072 ACTION AGAINST POLITICAL SUBDIVISION. (a) A
3 business owner may bring an action against a political subdivision
4 for compensation for damages caused to the business by a
5 governmental action described by Section 418A.0071(a).

6 (b) An action under this chapter may be brought in a district
7 court in any county in which the business is located.

8 Sec. 418A.0073 WAIVER OF GOVERNMENTAL IMMUNITY; PERMISSION TO
9 SUE. Sovereign and governmental immunity to suit and from
10 liability is waived and abolished to the extent of liability
11 created by Sections 418A.0071 and 0072.